

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DANIEL LEE WILLIAMS,

Plaintiff,

v.

1:15-cv-4202-WSD

**UNNAMED DEFENDANT and
COBB CO. ADULT DETENTION
CENTER,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Catherine M. Salinas's Final Report and Recommendation [6] ("R&R"). The R&R recommends dismissal of this action for Plaintiff Daniel Lee Williams's ("Plaintiff") failure to comply with a lawful order of the Court.

I. BACKGROUND

On December 2, 2015, Plaintiff, confined in the Cobb County Adult Detention Center, filed a two-page letter [1] suggesting he wished to file suit. Plaintiff did not pay the required \$400 filing fee or submit a financial affidavit seeking leave to proceed *in forma pauperis*. On December 9, 2015, the Magistrate Judge issued an order directing the Clerk to send Plaintiff a Section 1983

complaint form and IFP affidavit form, and ordering Plaintiff to fully complete and return those forms. ([1]). The Magistrate Judge advised Plaintiff that failure to comply with the order could result in the dismissal of this action. (Id.). Plaintiff removed pages from the IFP affidavit form and returned an incomplete copy that is missing the certified inmate account statement. Plaintiff thus failed to comply with the Magistrate Judge's order.

On February 24, 2016, the Magistrate Judge issued her R&R. The R&R recommends dismissal of this action for failure to comply with a lawful order of the Court. Plaintiff did not file objections to the R&R, and he has not otherwise taken any action in this case.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). No party objects to the R&R, and the Court thus conducts a plain error review of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

Under Local Rule 41.3(A)(2), “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3(A)(2), NDGa.

The Court finds no plain error in the Magistrate Judge’s recommendation that this action be dismissed for failure to comply with a lawful order of the Court. See Slay, 714 F.2d at 1095.

III. CONCLUSION


For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Catherine M. Salinas’s Final Report and Recommendation [6] is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff Daniel Lee Williams’s Application for Leave to Proceed *in forma pauperis* is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 2nd day of May, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE